PROVINCIAL POLITICS.

1890.

A SPEECH

DELIVERED BY

HON. G. W. ROSS

MINISTER OF EDUCATION,

IN THE

LEGISLATIVE ASSEMBLY.

MARCH 25th, 1890,

SUBJECT:

Proposed Amendments to the Act relating to Separate Schools.

Copies of this Speech can be had by addressing W. T R. Preston Secretary Provincial Reform Association, Toronto.

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1890.

HON. GEO. W. ROSS'S SPEECH

ON THE PROPOSED

AMENDMENTS TO THE SCHOOL ACTS

As introduced to the Legislature, respectively, by the Government, Mr. Meredith, Mr. Creighton and Mr. French.

HON. G. W. ROSS, in moving the second reading of Bill No 186, "An Act to amend the Public and Separate Schools Acts," said: Hon. gentlemen would no doubt perceive from the brief proposals of the Bill, that its main object was to remove doubt as to the rating of Public and Separate School supporters. By section 14 of the Act of 1863, any Roman Catholic who by himself or his agent gave notice to the clerk of the municipality on or before the 1st of March that he was a supporter of a Separate School, was exempted from Public School rates. But in addition to this notice the trustees of every Separate School were required to send to the clerk of the municipality on or before the 1st day of June in *each year* a list of the supporters of their school, and every person not appearing on this list was to be consi'ered a Public School supporter. In 1877 the School Act was amended, requiring the assessor to designate upon the assessment roll who were Public and who were Separate School supporters, and the trustees were allowed to substitute the classification thus made for the list required under the Act of 1863. An appeal was allowed to the Court of Revision as in other assessment matters where errors were alleged to have been made by the assessor. Owing to frequent mistakes in the classification of the ratepayers, the assessor was directed by an amendment made in 1879 to "accept the statement of or made on behalf of any ratepayer that he was a supporter of a Separate School as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for Separate School supporters." Notwithstanding the simplicity of these amendments and the facilities for correcting all errors by the Court of Revision mistakes still occurred, and it appeared to the Government that the best and only remedy was to instruct the various officials connected with the assessment specifically as to their duties. Hon. gentlemen who were

acquainted with the Municipal Act knew there were different persons responsible for the preparation of the assessment roll. The assessor had certain duties to perform; then the clerk had certain other duties, and the final settlement rested with the Court of Revision and the County Judge.

Purposes of the Bill.

If hon. gentlemen would examine the bill they would see how these duties were classified, as far as the Separate Schools are concerned. By the first section:—

"The Clerk of every municipality shall forthwith after the passing of this Act, enter in a convenient index book, and in alphabetical order, the name of every person who has given to him or any former Clerk of the municipality notice in writing that such person is a Roman Catholic and a supporter of a Separate School in or contiguous to the municipality, as provided by the 40th section of the Separate School Act, or by previous Acts respecting Separate Schools."

That was the first instruction. Then the instructions go on:—

"The Clerk shall also enter opposite the name, and in a column for this purpose, the date on which the notice was received, and in a third column opposite the name, any notice by such person of withdrawal from supporting a Separate School, as provided by the 47th section of the said Act, or by any such other Act as aforesaid, with the date of such withdrawal: or any disallowance of the notice by the Court of Revision or County Judge, with the date of such disallowance."

Then it was provided that:

"The index book may be in the form set out in the schedule to this Act, and shall be open to inspection by ratepayers."

These directions were very specific, and it was confidently expected that if the clerks of municipalities, who discharged their duties under very heavy penalties, carried out these instructions, the mistakes to which he had called the attention of the House should not occur.

He wished to call special attention to the fact that the index book was to be open to inspection, so that if any elector was in doubt as to whether notice had been given or had not been given, he could go and examine the index book and satisfy himself.

Notices to be Preserved.

Then it was declared by sub-section 3 "to be the duty of the Clerk to *file and carefully preserve* all such notices which have heretofore been received." So much for the duties of the Clerk.

Then came the instructions to the assessor and his duties with respect to the assessment of property for school purposes, which are very specifically set forth. First, he is to write or have printed across the notice which he gives each ratepayer of his assessment, in conspicuous characters the words, "You are assessed as a Public School supporter," or "You are assessed as a Separate School supporter," as the case may be, so that every ratepayer may have his attention particularly called to his school assessment. This provision he considered of great importance, because nearly all the complaints that came to his notice with regard to assessments would have been avoided if ratepayers had taken the trouble to examine their assessment slips. But this does not conclude the assessor's duties. By section 3 of the Bill he is further directed as follows:—

"Where the list required by the first section of this Act is prepared, the assessor is to be guided thereby in ascertaining who have given the notices which are by law necessary, in order to entitle supporters of Roman Catholic Separate Schools to exemption from the public school tax.

This section will surely meet all the objections made to our former amendments to the Separate Schools Act. Here it is distinctly and specifically set forth that the assessor *is to be guided* by the notices given to the clerk in making up his roll; therefore if no notice is given by any ratepayer of his desire to be rated as a supporter of Separate Schools, the assessor must enter him as a Public School supporter.

Duties of Municipal Councils.

But our precautions against mistakes go further. Not only is all the machinery of the Court of Revision and appeal to the judge still preserved to the ratepayer, but by Section 5 it is provided that the Municipal Council may, under certain circumstances, correct mistakes." The words of the Section are:—

"In case of its appearing to the municipal council of any municipality after the final revision of the assessment roll, that through some mistake or inadvertence any ratepayers have been placed in the wrong school tax column, either as supporters of separate schools or supporters of public schools, it shall be competent for the municipal council after due enquiry and notice to correct such errors if such council sees fit, by directing the amount of the tax of such ratepayers to be paid to the proper School Board. But it shall not be competent for the council to reverse the decision of the Court of Revision or a County Court Judge as to any ratepayer.

"In case of such action by a municipal council the ratepayer shall be liable for the same amount of school tax as if he had in the first instance been entered on the roll properly."

Now what could be more simple or more specific than the machinery provided by this Bill. The duties of assessors and clerks are set forth in detail and should they fail to do their duty, and should the Court of Revision and the County Judge fail to do their duty, then at the last moment, when the collector's roll is made up and the collector is at the door asking for your taxes the Municipal Council may come to your rescue and on "due notice and enquiry," permit you to pay your taxes to the school which, according to your own act, you signified your intention to support.

Mistakes Not Wilful.

We are not aware that municipal officers and clerks or assessors wilfully make mistakes, nor were we disposed to censure Municipal Councils with regard to the way in which these officers had discharged their duties, but the House knew mistakes had occurred, and in this case the Government had proceeded, just as in all other cases, to surround their legislation with such care in regard to every detail as to render mistakes almost impossible. It was not a strange matter that mistakes should sometimes occur. There are between 600 and 700 municipalities and as many municipal clerks and assessors and Councils, and there are probably between 300,000 and 400,000 ratepayers. It was not a strange thing that mistakes occurred. In fact the marvel was that the mistakes had been so rare—that the officers of the municipalities had discharged their duties with so much accuracy. Yet our opponents sought to excite public indignation against the Government because of those mistakes, and all sorts of improper motives were attributed to the Government because of those mistakes, but with the Bill which they were now considering, and with the precautionary measures which they had adopted, they expected mistakes would more rarely occur, if they occur at all, and that the irritation which had been caused by these mistakes would be allayed.

Mr. Meredith's Bill.

His hon. friend (Mr. Meredith) seemed to have been anxious also to provide legislation to guard against similar inadvertencies. He had a Bill, the ostensible object of which was to provide that no person should be rated as a Separate School supporter unless he had given notice as required by the Act of 1855 and the Separate School Act of 1863. He must say the Bill of the hon. gentleman was a marvel of legislative disingenuousness. For instance, in the preamble he says:—

"Whereas every ratepayer ought to be by law *prima facie* a Public School supporter, and no one should be rated as a Roman Catholic Separate School supporter unless he by his own voluntary act declares his intention to be a supporter of Separate Schools in accordance with the provisions of the law; therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:"

The hon. gentleman ought to know that every ratepayer is now a *prima facie* supporter of Public Schools. He thought if he (Mr. Meredith) would read the Act of 1855 he would see that the Act not only intended that, but asserted it. This principle of the preamble was contained in the Act of 1863, in the Revised Statutes of 1877 and of 1887, and now in 1890 his hon. friend propose to legislate as if it had been omitted. If his hon. friend would turn to section 2 of the Separate School Act of 1855 he would see that "any number of persons, not less than five, being heads of families and householders or freeholders, resident within any school section of any township, incorporated village or town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a Separate School for Roman Catholics in such school section or ward for the election of Trustees for the management of the same." Now, the action of these Roman Catholic families was predicated upon the existence of a Public School. The same provision was embodied in the Act of 1863, that is to say, until a Public School was first established by law they could not establish a Separate School. Now, if that did not make every ratepayer *prima facie* a Public School supporter, what did it mean? There could be no movement made for the establishment of a Separate School until a Public School was first established, and every person until its establishment was a Public School supporter. The first clause of the preamble was therefore unnecessary. It was one this House never thought to be necessary. It was not thought to be necessary in 1855; it had not been considered necessary for over 35 years, and it was not necessary now.

A Voluntary Act.

Let me next consider another assumption in this wonderful preamble:

"No one should be rated as a Roman Catholic Separate School supporter unless he, by his own voluntary act, declares his intention to be a supporter of Separate Schools in accordance with the provisions of the law."

Now, he (Mr. Meredith) must know, as a lawyer, that this is the law; he must know that there was nothing in the School Act to

compel a Roman Catholic to become a supporter of a Separate School. Where could the compulsion be? It was not in section 2 of the Act of 1885, whereby any number of heads of families, not less than five, were allowed to establish a Separate School. There was no compulsion in the corresponding section of the Act of 1863, or the revision of 1887. At every stage of the process by which a Separate School was organised and established the action of the Roman Catholic was purely voluntary. I have already pointed out that the first step was entirely so; well, the next was the election of Trustees, a necessary consequence of the first, but there was no compulsion in regard to the election of Trustees. Under section 40, where notice is required to be given of the intention of a ratepayer to become a Separate School supporter, there was no compulsion. There was no compulsion as to whether a ratepayer should or should not give notice. Nor as to section 47, where provision was made whereby a Separate School supporter might withdraw and again become a Public School supporter, was there anything compulsory. Everything was voluntary as between the Roman Catholic and the support he gave to Separate Schools. So that running through all the legislation from 1855 to the present time, the action of the ratepayer in regard to Separate Schools was purely and entirely voluntary. It was voluntary as to the first meetings of five or more heads of families where the first step in the establishment of such a school was decided on; it was voluntary as to the election of Trustees; it was voluntary as to the notice required from a ratepayer of his intention to become a Separate School supporter; it was voluntary as to his right of withdrawing from his position as a supporter of Separate Schools, and it was voluntary as to his proceedings in the Court of Revision, and as far as the proceedings before the County Judge were concerned. The liberty of the subject was not interfered with in any way. There was no coercion, as he (Mr. Meredith) would ask the House to assume in the preamble to the Bill.

First Section of Mr. Meredith's Bill.

Now, what was the first section of this Bill. It provided as follows:—

"Notwithstanding the provisions of any Act or law to the contrary, no person otherwise liable for Public School rates shall be exempt from the payment thereof, or be liable for the payment of rates in support of a Roman Catholic Separate School, unless he shall have given the notice provided for by section 40 of the Separate Schools Act."

I ask the House to notice carefully this section of his (Mr. Meredith's) Bill. What does it mean? Is it not asking the House to

stultify itself by re-enacting a law placed first upon our statute book 35 years ago, under which over 200 Separate Schools have already been established. What he now proposes was enacted in 1855, and re-enacted in 1863. In 1877, the House—Mr. Meredith being a consenting party—reaffirmed the Act of 1863, including the clause referring to the notice. In 1886, during his own time, it had been again reported in the consolidation of that year. The House had three times placed upon record and enacted and re-enacted the section in the Act of 1863 requiring that a notice should be given. And yet Mr. Meredith proposed now to insert this clause *de novo* into the Act, and virtually to assume that all previous Acts of the House were null and void. Had Mr. Meredith any reason to believe that the clause had been withdrawn by any legislation of the House, or by any authority of the Courts? Those who had spoken and who were entitled to speak with authority on this point, had always declared that section 40 was operative and binding. The late Mr. Crooks, in 1882, gave the following opinion on this question:

"There has been no change in the principle on which Separate Schools are based, namely, the permission or option which each Roman Catholic has to become a supporter of a Separate School or not. His being a Catholic is merely *prima facie* evidence on which the assessor could place his name among the supporters of the Separate Schools; but he cannot do so if the Roman Catholic ratepayer instructs him to the contrary; and in that case, not being a supporter of a Separate School, he would be liable to Public School rates, and entitled to send his children to the Public School. The law permits each Roman Catholic ratepayer his individual option in supporting the Separate School, and provides the proper machinery for having this so settled that he must pay a school rate for one or the other."

The Attorney-General's Opinion.

There was also a very definite statement on the subject from the Attorney-General in his open letter to Mr. Milligan before the last general election of Ontario. It ran thus:—

"But the ludicrous absurdity of the objection is that the preliminary notice has not been dispensed with. On the contrary, it is expressly continued by the 41st section of the Act of last session, the section which gives Roman Catholics exemption from school rates, and any Protestant or other ratepayer of the municipality may object to the exemption before the Court of Revision on the ground that the necessary preliminary notice was

not given, and he may do so without the consent and even contrary to the wish of the ratepayer whose case is in question. Could anything show more clearly the moral weakness of our assailants than the necessity of setting up so idle a criticism."

Here, then, was the united opinion of Mr. Crooks, in his time an eminent lawyer, and of the Attorney-General, that the notice was not withdrawn.

Where, then, I ask, does he (Mr. Meredith) find a justification for submitting to the House such an amendment as that which he proposed? There was no necessity for it in the opinion of the highest legal authority of the Province. Nor do I believe that he (Mr. Meredith) believed from anything that had occurred this section of the Bill was absolutely necessary. To adopt his (Mr. Meredith's) Bill would be an admission that the notice required under section 40 had been withdrawn. The Government had no right to withdraw that notice; it could not withdraw it because it was a privilege the Roman Catholics had a right to under the B.N.A. Act of 1867, and they would have been placed in an anomalous and unfair position were it withdrawn.

Opinion of the Court of Chancery.

But besides the authorities I have quoted on this point, there was the decision of the Court of Chancery in support of the contentions of the Government. On account of the various views expressed by all sorts of bumptious exponents of the School laws, I thought it well to get the opinion of the Courts as to whether the notice to be given under section 40 of the Separate School Act was still required. The question submitted was as follows:—

"Is or is not a ratepayer who has not by himself or his agent given notice in accordance with Section 40 entitled to exemption from the payment of rates imposed for the support of Public Schools, or for other School purposes, as in that section mentioned."

Now let me read the joint decision of two learned judges, Chancellor Boyd and Justice Robertson, and let me ask the House if the Bill proposed by Mr. Meredith is not a piece of useless statutory lumber. Their judgment reads:—

"If the assessor is satisfied with the *prima facie* evidence of the statement made by or on behalf of any ratepayer that he is a Roman Catholic, and thereupon (seeking and having no further information) places such person on the assessment roll as a Separate School supporter, this ratepayer, though he may not by himself or his agent have given notice in writing pursuant to sec. 40 of the Separate School Act, may be entitled to exemption from the payment of rates for Public School purposes, he being in the case supposed assessed as a supporter of Roman Catholic Separate Schools."

And lest there should be any doubt in the mind of any hon. member as to the full scope of their decision, the judges further said, in answer to another question :—

"The assessor is not bound to accept the statement of or made on behalf of the ratepayer under section 120 (2) of the Public Schools Act, in case he is made aware or ascertains before completing his roll that such ratepayer is not a Roman Catholic *or has not given the notice* required by section 40 of the Separate Schools Act, *or is for any reason not entitled* to exemption from Public School rates."

The Notice Only Binding.

The House will therefore see that the only thing binding, according to these learned Judges, was the notice required under section 40. Thus we have had the late Minister of Education and the Attorney-General and the Court affirming what had been always contended to be the law. The Court further declared in regard to the withdrawal of Separate School supporters from their position as such :—

"A ratepayer being a Roman Catholic and appearing in the assessment roll as a Roman Catholic and supporter of Separate Schools who has not given the notice in writing of being such a supporter mentioned in section 40 of the Separate Schools Act, is not (nor are the other ratepayers) estopped from claiming in the following or future year that he should not be placed as a supporter of Separate Schools with reference to the assessment of such year although he has not given notice of withdrawal mentioned in section 47 of the Separate Schools Act."

It was evident, therefore, that a ratepayer must give notice of his intention to become a supporter of Separate Schools, and if he desired to withdraw and again become a Public School supporter he had to give notice, and even if he had been rated for some years as a Separate School supporter *without* notice any ratepayer could insist upon notice being given as an essential legal pre-requisite to exemption from Public School rates. So that by no action of the House had Roman Catholics been relieved of the obligation to give notice, or had the privileges granted to Roman Catholics by the Act of 1863 been infringed upon in the slightest degree.

Mr. Meredith's Second Section.

Now I come to consider the second clause of Mr. Meredith's Bill, which is as follows :

"It shall be the duty of the clerk of the municipality in preparing the collector's roll thereof to place in the column of Public School rates the rates of every ratepayer who shall not have given the said notice, so as, according to the provisions of the said section and of this Act, to entitle him to exemp-

tion from Public School rates for the year for which such collector's roll is being made up, but any error of the clerk in making up his roll shall not be conclusive on any ratepayer who shall be erroneously rated or entered therein, nor shall the assessment roll be any evidence as to whether such ratepayer is a supporter of the Public Schools or of the Roman Catholic Separate Schools.

This section of Mr. Meredith's Bill sets aside all the machinery provided by the municipal law for the revision and correction of the assessment roll, and places in the hands of the clerk the power, without appeal, of determining who shall be Public and who shall be Separate School supporters. The Bill does not provide for any appeal to the Court of Revision or to the County Judge. The Bill simply threw everything upon the clerk, whose duty it should be to do so and so. If errors occurred then the collector's roll would not be conclusive according to this clause. The whole thing would be left in doubt. Under the Assessment Act the assessment roll when confirmed by the Court of Revision is binding on all parties concerned. Mr. Meredith came forward with a new provision for determining who should be Public or Separate School supporters, and all the machinery he provided for carrying it out was the fiat of the Clerk of the municipality, and even that, he said, shall not be conclusive. But why, let me ask, deprive the ratepayer of appeal to the Court of Revision. Why dispense with the appeal to the County Judge. The clerk might be partial or unfair or unfit for his duties. He might mix and muddle the roll as he pleased, and there was no chance to rectify or correct the errors made. They could not go for evidence to the assessment roll. The only evidence was the notice given by the ratepayer, and how that could be available was not set forth. There was another serious omission. The Bill did not provide that a ratepayer who had once become a Separate School supporter, could withdraw his support from the Separate School to become a Public School supporter again. He ventured to assert that Mr. Meredith himself could find no such provisions as these. Was the House prepared to impose upon the people of the country a Bill depriving the Roman Catholics of the privilege of voluntarily supporting Separate Schools or Public Schools, which ever they pleased, and were they to be denied the right of reverting to the support of Public Schools if they once supported Separate Schools. Must they remain always Separate School supporters if they once became so? Is the House prepared to make such a momentous change in the law as this? Is the House prepared to leave the preparation of the Collectors' roll in the hands of the Clerk without appeal in reference to anybody, whether this work is properly done or not? If so, the Court of Revision may

as well be abolished as an expensive and superfluous piece of municipal machinery.

Compulsory Ballot.

So much, then, for Mr. Meredith's first Bill. But he has another Bill providing for a compulsory ballot to be used in the election of Trustees for Public and Separate Schools: and for holding school elections at the same time as municipal elections. Now, I would like to call attention to the peculiar attitude of the hon. gentleman on this question of the ballot and the holding of elections for trustees simultaneously with municipal elections. Certainly his position on both questions has been very contradictory. They were all familiar with his attitude during '78, '79 and '80 on the Boundary Award; how he at first argued that the Award should be binding and then made a complete change of front. They remembered also how last session he had contended with Mr. Craig that English should be the language of instruction in the Public Schools of Eastern Ontario; now he believed that this should be so "only so far as was practicable." He was equally inconsistent in his record on the ballot question generally. In 1873 he had voted against it for Parliamentary purposes. Then he became an enthusiastic advocate of it, and for several hours the other day he and his friends occupied the attention of the House in an endeavor to show that the present ballot law was not satisfactory. In regard to holding school elections at the same time as trustees elections his position was also changed. In 1878 he spoke strongly against school elections being held at the same time as municipal, on the ground that it would introduce political feeling into educational matters. He wanted no politics in school matters in 1878; now he proposed to thrust all the politics possible into the election of School Trustees.

In 1882 the hon. gentleman voted against a motion of his colleague, Mr. Bell, the then member for West Toronto, proposing that the ballot should be used in elections for Public and Separate Schools. In order that the House might see the hon. gentleman's change of front he would read the *Mail's* report of what he said at that time:—

"Mr. MEREDITH said at the time the Roman Catholics were asking for Separate Schools it was the Conservative party who supported them in their claim, and obtained from them, at the risk of loss of seats and influence, their now recognised rights. It ill became the Commissioner to accuse the hon. member of West Toronto of being hostile to the Separate School system, and to attempt to make out that this alleged feeling was shared by the Conservative party. It was the leader of the Government who had been hostile to it,

and had voted against the concession of the right to have Separate Schools. While he recognised the right of the Catholics to have Separate Schools, he did not see why no attempt should be made to improve the system. The Commissioner said that the Bill must be rejected because of the speech of the mover. According to him, a Bill was to be rejected, not on its merits, but according to the speech delivered by the mover. He knew nothing of the state of Separate Schools in Toronto, but so far as London was concerned he believed they were well conducted. He did not favor forcing the ballot system upon the Separate School supporters if they did not want it, but he supported the proposition to extend the ballot to the Public School elections."

[Mr. Meredith afterwards quoted from the report of his speech in the *Globe* to the effect that he would not force the ballot upon Separate Schools unless asked for by a respectable minority.]

They saw here the dim outline of the address to Irish electors of 1883. He "did not favor forcing the ballot upon Separate School supporters" if they did not desire it. That was the attitude of the hon. gentleman in 1882, only eight years ago. He would not force the ballot upon the Separate Schools, and in that respect he was in harmony with the Hon. Mr. Morris. Mr. Morris said:—

He was not in favor of forcing the ballot upon the Separate Schools against the wishes of their supporters, but as he believed the ballot should be introduced at our Common School elections, he could not support the six months' hoist. He wished to point out that the question of the ballot had nothing to do with the existence of Separate Schools.

Then Mr. McMaster, another of his supporters, said:—

"He was opposed to the introduction of the ballot in the Separate Schools, and would not support the proposal in relation to the Public Schools, because the change was not asked for, and it was unwise to be always tinkering with the law."

An Arbitrary Change.

Now, why this change in the attitude of hon. gentlemen Opposition? Why this new departure in Public and Separate Schools elections? Were we prepared to say that even in Public School elections the ballot should be applied in this arbitrary way? Was there any demand for it? Had any petition been presented to the House for this change in the law? Look how the matter stood. Amendments were made in 1885 whereby the Public Schools in cities, towns and incorporated villages might adopt the ballot if they so desired. There were 231 municipalities under that Act which could have adopted it. It had been in operation now five years, and only 91 municipalities had adopted it. Should they now say to the 140 which had not adopted this Act that they should not be allowed any longer to have

this option? Was there any necessity for this course? And besides, if it were desirable to apply the ballot in this coercive way in cities, towns and incorporated villages, why not apply it to every election in which Public Schools were concerned? They had 5,300 such Public Schools in the Province. His hon. friend said the ballot was desirable, and that the elections should be held at the same time as the municipal elections; but he said in regard to the 5,000 rural schools which were necessarily interested in good legislation as much as the others, "You may continue the old system of voting." Then if the ballot was so desirable why not apply it to the election of High School Trustees? True, they were not elected by the ratepayers directly, but if it was important that in cities, towns and villages the ballot should be made compulsory, it was of equal importance that the interests of the High School should be protected, as proposed by his hon. friend for Public and Separate Schools. He was inconsistent in not going further and including the election of High School Trustees.

Ballot in Separate Schools.

Then he proposed to apply the ballot to the election of Separate School Trustees, notwithstanding that in 1882 he said they should not be forced to adopt the ballot. What reason could he give for this? Would he be able to show that Separate School Trustees were anxious for the ballot? Would he be able to show that Separate School supporters were not free to elect their representatives? Did not the hon. gentleman know that it was a very rare thing to have an election for Separate School Trustees. They had in the Province 59 Separate Schools in 1890, to which a compulsory ballot would apply according to his Bill, and in only seven of these were there any elections at all. In all the others the members were returned by acclamation, so that if the ballot had been adopted it would only have applied to 7 out of 59. But did the hon. gentleman believe that to deprive the Separate School supporters of the right to vote as they did at the time the British North America Act was passed would not be a violation of the Constitution? Did he not know that any violation of those provisions was a violation of that Act, and instead of being a guardian of that Constitution was he not making an inroad upon the Constitution which the House could not support? May it not be fairly argued open voting is a *privilege* within the meaning of that Act, and the hon. gentleman should show some reason the privilege was one that could be withdrawn without a violation of that Act.

No Reason Given.

Besides, he should give them some reason of a positive character for his Bill. Was he prepared to show that better Separate School Trustees could be secured? Was he prepared to show that intimidation was practised? Did he want to imply by his Bill that Separate School elections were now under the control of the Hierarchy and that only by a measure such as this could they be emancipated from that control? If so, the preamble should read "Whereas the Roman Catholics of Ontario were under the domination of the Hierarchy of their church, therefore Her Majesty, by and with the advice and consent of the Legislature, etc., enacts that Separate School elections should be by ballot." That was its intent and purpose. It plainly intimated as much, and he thought his hon. friend in his London speech clearly indicated that was his opinion, and that some remedy should be obtained for such a condition of affairs. Could his hon. friend show that even on his own basis he could attain the object he had in view? They were charged with receiving more than their share of Catholic support. They received that under the ballot system. His hon. friend proposed to apply the ballot to Separate Schools in order that the elections should not be under the control of the Hierarchy, and yet under the Ballot he asserted that the Roman Catholics supported the Government. Adjust things as we may the inference was drawn, and the conclusion reached by his hon. friend, that there was coercion, there was intimidation, that injustice was done to a large body of Her Majesty's subjects.

Suppose a Catholic Majority.

But supposing the position were reversed; supposing a Roman Catholic majority prevailed, and that the Protestant Schools were the Separate Schools, would the Protestants consider themselves fairly treated if legislation of this kind were forced upon them? Supposing the ballot were forced upon the Protestants of Quebec contrary to their desire, what would be said of the Roman Catholic majority there? Would it not be said—and no doubt his hon. friend would be the first to raise his voice against legislation of that kind—that they should not submit to such legislation unless asked for by themselves? But, besides, has my hon. friend any precedent for this? The Province of Ontario was not the only Province in the Dominion in which educational questions were considered of great moment. Could he find one Province in the

Dominion where the ballot had been applied to Public or Separate School elections? Could he find any State in the Union? The system of open voting prevailed everywhere in this Dominion, but, notwithstanding this, the hon. member proposed to enact this legislation. I shall therefore ask the House to reject this measure; first, because there was no necessity for it, and second, because it would entail unnecessary expense upon those who did not desire to assume that expense, and, thirdly, because it was not shown to be in harmony with the British North America Act.

Mr. Creighton's Bill.

He would now come to a Bill introduced by his hon. friend from North Grey. The labor of amending the School Act seemed to be divided up among the hon. members opposite. The leader had evidently taken the heavy end, as he usually did, but the member for North Grey undertook to bring in a small Bill—only a few lines—but one which, he thought, would be admitted to be unnecessary. He proposed that the legislation of 1863 and subsequent years should be changed, and that no person employed as teacher in a Separate School should any longer be allowed to teach unless he submitted to the same examination as Public School teachers. The House is, no doubt, aware that under the Act of 1863 while lay teachers were required to take the same examination as Public School teachers, the members of certain religious orders of the Roman Catholic Church were exempted from examination. The hon. member proposed to change this and not allow teachers of religions orders to teach a Separate School unless they passed the same examination as Public School teachers. He was surprised that an attack of this kind should fall to the lot of the hon. member for North Grey. In the discussions of this House no member appeared to be more anxious to maintain the integrity of the B. N. A. Act than the hon. gentleman. Now he came to the House with an Act which the Dominion Government without the slightest doubt, would be obliged to disallow. The hon. gentleman was aware that Provincial control over educational matters was carefully guarded and limited by the Confederation Act. Section 93 of that Act reads as follows:

"In and for each Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:"—

1. "Nothing in such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the Province at the union."

2. "All the powers, privileges and duties at the union by law conferred and imposed in Upper Canada on the Separate School and School Trustees of

the Queen's Roman Catholic subjects shall be, and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec."

3. "Where in any Province a system of Separate or dissentient Schools exists by law at the Union, or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor-General in Council from any Act or decision of any Protestant or Roman Catholic minority of the Queen's subjects in relation to education."

4. "In case any Provincial law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor-General in Council, on any appeal under this section, is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament may make remedial laws for the due execution of the provisions of this section and of any decision of the Governor-General in Council under this section."

Something More than a Mere Veto.

The power thus reserved to the Dominion Government is exceedingly comprehensive. It is far wider than the ordinary veto power exercised over Provincial Legislation, inasmuch as it not only authorises the Governor in Council to disallow legislation of this House or any other Province, but it authorises the Dominion Parliament to make remedial legislation.

Let me now ask the hon. gentleman (Mr. Creighton) if he is prepared now to move such legislation in this House as will justify the Dominion Government not to interfere by a simple veto. But by anticipation to say what remedies shall be applied, or what remedies are good in case the House adopt the Bill which he has just proposed. Does he wish to renew the contest of the past few years with respect to Provincial rights. He must know that the right conferred upon certain Religious Orders of the Roman Catholic Church to establish Separate Schools was very carefully defined by the Act of 1863. By Section 13 of that Act it was provided that

"The teachers of Separate Schools under this Act shall be subject to the same examinations, and receive their certificates of qualification in the same manner as Common School teachers generally; provided, that persons qualified by law as teachers either in Upper or Lower Canada, shall be considered qualified teachers for the purposes of this Act."

By this section every person belonging to a religious order qualified for educational purposes and qualified as teachers in the Province of Quebec at the time of the passing of the B. N. A. Act is qualified in the Province of Ontario. The terms of this enactment are so specific and so clear that even a layman could have

no doubt as to their meaning, and the fact that the leader of the Opposition, himself an eminent lawyer, did not take the responsibility of introducing the amendment proposed by the hon. member for North Grey (Mr. Creighton), shows that he was not prepared to commit himself directly to such an infraction of the Constitution.

Standing of Religious Teachers.

But apart from this phase of the question before the House adopts such a bill, the hon. member should prove two things:—first, that those who were members of the religious orders of the R. C. Church were inferior as teachers to those qualified under Public School Acts, and secondly, that the instruction imparted in Roman Catholic Schools was inferior to that imparted in the Public Schools.

Is it true that the members of the Religious Orders of the Roman Catholic Church are inferior in literary attainments? I understand they follow the curriculum of the Education Department in the training of their teachers, that they have not only a literary course but a professional course in their training schools; that the instruction is thorough and practical throughout; and that many of them have taken the same examination as the teachers of Public Schools. In the Convent of [illegible] out of 19 teachers of the Order of Christian Brothers [illegible] hold Provincial certificates either from Ontario, Quebec, or Nova Scotia.

In the Roman Catholic training schools for females [illegible] and the Principals hold First Class Provincial certificates. Out of the 159 female teachers of Religious Orders in the Separate Schools in Western Ontario, 46 hold regular certificates, and 9 had attended the Normal School and [illegible] in Eastern Ontario 39 hold regular certificates, [illegible] whom attended the Normal School. Is it fair then for the hon. gentleman, apart altogether from the constitutional question involved to disqualify those who have been recognized since 1863 as teachers of Separate Schools, without submitting [illegible] to the House that they were inferior either in literary or professional attainments to the ordinary lay teachers.

Standing of Pupils.

If the hon. member was unable to prove inferior attainments in these teachers what could he prove with regard to the training received by pupils in these schools? The impression has gone abroad that the training received in the Separate Schools was

inferior to the training received in the Public Schools. Of this he could not speak personally, as he had never visited any of these schools, but he had before him reports of High School Inspectors as to the general efficiency of these schools, made at the time when they were then regular inspectors of Separate Schools.

What do these reports show? In 1865 the late Professor Young reported as follows in regard to several of the schools:—

"Brockville, 14th Sept., 1865.

"I found, that, though they had been drilled to answer, in this (History) as in every other subject, in too rigid forms, they did possess a large amount of historical knowledge. My questions covered the period from the Norman Conquest to the reign of Edward I.

"The most advanced class in Arithmetic could work with ease questions in Vulgar Fractions.

"I chose 10 boys sitting at a desk distinct from those who had been previously examined, and I examined them in spelling. They were not the most advanced in the school. I gave them such words to spell as 'believe,' 'education,' 'simplicity,' 'sufficient,' and though some mistakes were made, the answers were on the whole fair."

"Kingston, 9th March, 1866.

"I examined the highest division somewhat minutely. Their reading was not more than ordinarily good. Spelling, fair. English Grammar is well taught. Probably one-half of the boys in the school are defective in their knowledge of English Grammar; but a considerable number are able to parse in such an intelligent manner as convinces me that the instruction given in that branch is fitted to make good grammarians of at least the more attentive and clever pupils."

"Hamilton, March, 1866.

"In consequence of the resignation and absence of the Master of the Boys' Division, I was unable to examine that Division. I minutely examined the Girls' Division (B). I was very much satisfied with the manner in which this Division is taught. The most advanced class, along with three younger girls, could not only read and spell well, but also possessed a most creditable knowledge of English Grammar. I have referred to this in my report to the Chief Superintendent, published in his Annual Report for 1865."

Inspector Marling said of the School at Barrie in 1874:—

"I examined several classes, Third Reader, Christian Brother series, two boys' and four girls'. Their reading was excellent, pronunciation, intonation, punctuation, definitions, all good to a degree seldom witnessed by me in any Canadian school. It was a pleasure to listen to these pupils. The boys were not, however, equal to the girls."

And of the School at Elora, in the same year:—

"The children were mostly very young. I examined the 4th class in reading, geography and arithmetic, the work was all above the average, some of

the arithmetic and much of the geography being really excellent. The neatness and manliness of the pupils were most gratifying. The teacher is energetic and interested in her work. The school is held in a small but neat and clean building behind the Church."

Inspector Buchan said of the School at Guelph in 1874 :—

"These Schools offer a striking contrast in organization and order to the Guelph Public Schools. This is particularly true of the girls' school, which is remarkably well managed. One of the sisters, Sister Mary Aloysius, was formerly a student at the Normal School, and is a very superior person, and a very clever teacher."

And also of the School at Goderich in the same year :—

"The order was good. I examined the best pupils first in dictation in which they failed, and afterwards in arithmetic, in which they were more successful. In fact they did better in arithmetic than the pupils of the highest division of the Goderich Central School."

In 1881 Dr. McLellan reports as follows :—

"Lindsay, 1st and 2nd May, 1881.

"*Accommodations.*—Excellent. The School is a fine structure—large rooms, well ventilated, etc., with beautiful grounds.

"Four well qualified teachers—two male and two female. Mr. White, the Head Master, holds a First A. obtained at a recent examination at which he secured a very high standing. There is a good supply of chemicals and chemical apparatus.

"The classification is satisfactory. Of course the Head Master has a large number of classes to teach, as he has quite a number preparing for the Intermediate Examination.

"*Remarks.*—The building (for the boys) is a good one, with convenient class-rooms, fine grounds, etc.

"The discipline is good ; I observed, in the classes examined, a strict attention to the work in hand, and a deep interest in the questions, etc., of the Inspector.

"The performance of the pupils in Arithmetic, Algebra and English Literature and other branches, was such as to give evidence of superior teaching."

Now the House will observe that I am not quoting the reports of the Separate School Inspectors, although I would have a right to do so, to corroborate my statements Do these reports show inferiority? Certainly not. Then what of the lay teachers employed. ? Of the 190 Separate School teachers who hold Certificates under the Public Schools Act, 8 held First Class Certificates ; 48 Second Class Certificates ; 84 Third Class Certificates ; the remainder holding District Certificates, Permits or Old Co. Board Certificates.

Results in Separate Schools.

Then if we turn to the work done in some of our Separate Schools what do we find? The Toronto Separate Schools during the last five years passed 61 candidates for Third Class Certificates, 11 for Second Class, and 7 passed the Civil Service examination. Ottawa Separate Schools in the last 8 years passed 75 for Third Class Certificates, and 17 for Second Class. Of course these are isolated cases, but it must be remembered that the curriculum for the Separate Schools is the same as the curriculum for Public Schools, and it is very rare that candidates write for Third Class or Second Class Certificates from the Public Schools. I may add, however, that the standard at which reference is made will apply uniformly throughout Separate Schools in the Province. As Inspectors of Separate Schools have pointed out in their reports, the daily average of every grade and description in our Separate Schools is increasing, and it is neither a matter of surprise nor regret that our Separate Schools like

[illegible]

the hon. member, [illegible] withdraw from Separate [illegible] privilege enjoyed by them since 1886 of electing a supporter to the Public School Board in municipalities where such a Separate School has been established. And, as in the first case I must express my surprise at the proposal [illegible] The hon. gentleman was a member of the House and a consenting party to the amendment made in 1886, which he now proposes to repeal. He was not aware that he had made any objection to it at that time. What change had since come over him? By what process had he been induced to support the amendment he then supported and tacitly voted for? The amendment had passed unanimously. What was [illegible] The grounds on which this amendment had been introduced in the first instance were practically as follows:—It was thought desirable that there should be a direct connection between Separate Schools and High Schools, for it was shown that while Roman Catholics were taxed for the maintenance of High Schools as other supporters were, and had to pay part of the cost of erecting these schools, they were practically ignored in the administration of their affairs. Municipal

Councils seldom or never appointed them, and County Councils passed them by similarly, so that they were generally left unrepresented on the High School Boards. The effect of this was very injurious to those interested in Separate Schools. They regarded it as an intimation that they might have their Separate Schools for elementary educational purposes, but that the High School was not for them, and that they could have no part in its administration. They might pay taxes for the support of High Schools, but they must not be allowed a voice in the management. That was the meaning of Mr. French's amendment if it meant anything. Roman Catholics had never been represented on the High School Board of Toronto nor on that of London. If they had, I have never heard of it, and it was the same in many other municipalities over the Province.

Elementary Education and Higher.

The Government took the view that elementary education was good both for Protestant and Roman Catholic, and that higher education should be open to all, irrespective of creed or color. If it appeared that those attending Separate Schools were debarred by any discrimination on the part of Municipal Councils from sending their children to the High Schools, it was right and proper that the law should be changed to remove this difficulty. Was it not desirable that the House should do all it could to induce Roman Catholics as well as Protestants to avail themselves of opportunities for a higher education? If the matter was discussed from the broad national standpoint it must be admitted that the higher and better the education received by Roman Catholics the better for the country, and the High School pupils would only be multiplied by thousands. Therefore it would be better for the educational and [illegible] of the country and for its general prosperity. If it appeared that by this amendment to the Separate School Act the attendance at the High Schools had been [illegible] in the public interest. Mr. French's amendment was retrograde instead of being progressive, and [illegible] by every person who believed in higher education. The House could not adopt it if it believed in the views of the leader of the Opposition, that the Separate Schools should be improved, as he had insisted in his manifesto of 1886, where he said that although some might regret that such institutions existed, yet it was the duty of the Government to make them as efficient as possible, and to see that they performed the functions for which

they were designed. Now, Separate Schools were designed, first, to prepare for citizenship young men who could not otherwise receive the advantages of education, and their function was also to prepare the sons of Roman Catholics as well as Protestants for the learned professions and the higher walks of life; and how could this be better done than by encouraging them to prepare for entrance into the High Schools?

Increased Attendance at High Schools.

It will be satisfactory to the House to know that the number of Separate School pupils anxious to enter the High Schools has materially increased since 1885. Inspector White informs me that in the Western Division, which is all that section of the Province west of Toronto, only 105 wrote at the Entrance Examination in that year, whereas 170 wrote in 1889. This is an increase of nearly 70 per cent.; while the number who passed in 1885 was 55, the number in 1889 was 91. Inspector Donovan says that the increase in the number of candidates writing at the Entrance Examination between 1885 and 1889 in the Eastern Division was 95 per cent. There has, therefore, been a substantial increase in the number of Separate School pupils who prepared themselves for examination, and were successful in passing since these schools were allowed a representative on High School Boards. It will also be satisfactory to the House to know that 58 per cent. of those who came up from the Separate Schools for the Entrance Examinations last year were successful in passing, the per centage for the Public Schools being only 59 per cent., or 1 per cent. greater.

But there are other evidences that the changes made in the law which the hon. gentleman from Grenville appears so anxious to set aside, have been beneficial. For instance, the attendance at our High Schools has increased from 14,250 in 1885, to 17,742 in 1888. From some cause or another greater liberality has been shown in the maintenance of Separate Schools. During the last few years the total expenditure increasing from $204,531 in 1885, to $260,000 in 1888.

In Ottawa, Kingston, Brockville, St. Catharines and Hamilton, large and convenient Separate Schools have been erected, and the comfort of teachers and pupils materially promoted. Let me ask the House, is it not desirable to encourage supporters of Separate Schools in their laudable efforts to improve the school accommodations? The public opinion created even by the larger pupils

who attend the High Schools is a stimulus to both ratepayers and trustees. Now shall we withdraw that stimulus by accepting the bill proposed by the hon. gentleman?

Other Reasons.

But there was another reason why Mr. French's bill should not pass. The House deliberately, in 1885, gave Separate School Boards a right to representation on High School Boards. The House would need very strong evidence that its action then was unwise before it would be justified in repealing the Act. Sometimes it was urged by hon. gentlemen opposite that the Separate School Act was a mistake, and that it was subversive of the unity of spirit that should prevail in the country—a unity such as the people of Ontario were supposed to desire. Admitting this to be the case for the moment, I cannot see how the passage of Mr. French's bill would promote that feeling of unity. Under the present High School system, and since the amendment of 1886, Public and Separate School children met together under one teacher and one system of instruction. If unity existed anywhere, it certainly existed there, and it was unity which the hon. gentleman opposite professed to desire. Yet he deliberately proposed to repeal the amendment which encouraged this condition of things, and to estrange the Roman Catholics who have shown their appreciation of High Schools. Was he perfectly sincere in his proposition? Was his logic perfectly faultless? If he was sincere in the one case and really wished to bring Separate School children and Public School children together in the Public School, I cannot see how he could ask the House to withdraw from Separate School Boards the representation they now enjoyed on High School Boards.

Should it be said that the Legislature of the Protestant Province of Ontario was so unfair as to throw any obstacle in the way of all classes availing themselves of higher education? Look at the Provincial University. All classes were enabled to avail themselves of the advantages which it offered without respect to creed or denomination, and the same with the High Schools. Upwards to the High Schools flowed the two great currents of education—one from the Public Schools and one from the Separate Schools—and by his amendment Mr. French proposes that these streams should be prevented from uniting at this point: where they united he proposed to erect a barrier, and to say the union shall not be complete.

Administration of High Schools.

He would virtually exclude the Roman Catholics from a voice in the administration of High Schools. He proposed that Municipal and County Councils should be allowed to ignore them now as formerly. If in the face of these difficulties they had the courage to try and avail themselves of the privileges of the High Schools, they were welcome to do so. But they were to have no assistance in the removal of these difficulties. He protested against this amendment. It was not required by the Public Schools because no wrong had been done the Public Schools; and no wrong had been done the High Schools by the operation of the amendment. The High Schools to-day were more prosperous than ever before. The University to-day was more crowded than ever before. Public Schools were stronger than ever before. More was expended on sites and buildings now than ever before, and the attendance was increasing every day. Yet without a single fact to justify him in his course, he deliberately proposed to repeal this particular amendment which helped to bring about this state of things.

Summary of Argument.

In view of the arguments I have adduced, and the facts which I have submitted to the House, I think that the two bills proposed by the hon. member for London, as well as the bills proposed by Mr. Creighton and the one proposed by Mr. French, should be unhesitatingly rejected, first, because it has not been shown, and cannot be shown, that they would serve any useful purpose, and second, because they would be retroactive if not unconstitutional. I believe it is the duty of the House in unmistakable terms to express its entire and unshaken confidence in the solemn treaty entered into at the time of Confederation. It surely cannot be that the Province of Ontario, containing nearly one-half the entire population of the Dominion, will be the first Province to encroach upon the privileges guaranteed to minorities by the B.N.A. Act. As Liberals it is our duty to maintain and defend the constitution from encroachment from every quarter. The Liberal party, which was in a majority in the House, was the party most active in promoting the federation of the Provinces by which this question was removed to a large extent from the arena of party politics. Was it not the duty of the Liberal party which had brought about the Confederation of the Provinces, to protest against any invasion of the B. N. A. Act that would disturb the

public mind and produce irritation that was not desirable, and that could not be productive of any public good? The Liberals of this House had for years past withstood assaults from without on the Confederation Act. They had withstood the attempted invasion of their powers by the Dominion Government. It was within these walls that the battles of Provincial Rights had been fought. Now, however, the attack on the Constitution had come from within the House, had come from hon. gentlemen who avowed themselves at one time the champions of the constitutional rights of Ontario, and of the solidarity of the Dominion. It was they who now assaulted the Act with a view to depriving a certain portion of the people of the rights and privileges which that Act had conferred upon them. The House should resist assaults from within just as it had resisted assaults from without, and should place once more upon record that the rights guaranteed to minorities in Ontario and Quebec, and all other rights guaranteed therein, should be preserved intact and inviolate so far as legislation in this House was concerned. They could not expect to build up a great Dominion or Confederation if they were continually pulling their Constitution to pieces and endeavouring to replace the broken parts. Canadians would never become a homogeneous people if questions of race and creed were being continually raised. He appealed to the hon. gentlemen opposite in the interests of their common country, and of that unity which they all desired, to withdraw these bills, which could have no effect but to create suspicion and distrust in the minds of a large section of the community. He appealed to the House on yet another ground to reject these bills. It was the duty and the prerogative of the House to be just and generous to minorities. That had been the principle upon which all the legislation of the British Empire had been based in dealing with Canada since the days when Colonial Government was first established in this country. Hence arose in the first place the Constitution of 1791, which was intended to protect the people of Ontario, or Upper Canada, as it then was, from what was supposed to be the domination of the majority of Quebec. This was the first instance of any form of constitutional government in Upper Canada. Then came the Constitution of 1841, which was based on the same principle of generosity to the minority. The minority had been trampled upon by an irresponsible Executive, which was supported by a Family Compact. Wrongs were righted as far as was possible, responsible government introduced, and the grievances of the minority remedied so far as the statesmen of the day were able. Then, finally, came the B. N. A. Act of 1867, which con-

tained the same principles in its method of dealing with minorites. So if they were to follow the example of the Imperial Government in legislation of this kind, if they desired to show to the minority that they could be as just and generous as the Imperial Parliament was, then they would not re-open a question that had been settled at Confederation, and would not infringe upon the privileges that had been guaranteed to the minority by a solemn compact ratified by the Imperial Parliament, and confirmed by the sign manual of Her Gracious Majesty. For this reason he hoped the House would reject the bills of hon. gentlemen opposite, and address themselves with calmness and deliberation to simplify the machinery of the Act in the manner suggested in his own bill. (The Hon. Mr. Ross was followed by Mr. Meredith, to whom the Hon. Mr. Fraser replied.)

Mr. Ross' Bill.

An Act to amend the Public and Separate Schools Acts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The clerk of every municipality *shall forthwith after* the passing of this Act, enter in a convenient index book, and in alphabetical order, the name of every person who has given to him or any former clerk of the municipality notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by the 40th section of *The Separate Schools Act*, or by previous Acts respecting separate schools ; the clerk shall also enter opposite to the name, and in a column for this purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by the 47th section of the said Act, or by any such other Act as aforesaid, with the date of such withdrawal ; or any disallowance of the notice by the court of revision or county judge, with the date of such disallowance. The Index book may be in the form set out in the schedule to this Act, and shall *be open to inspection by ratepayers.*

(2) The clerk shall enter in the same book, and in the proper alphabetical place therein, all such notices hereafter from time to time received by the clerk.

(3) It shall be the duty of the clerk to file and carefully preserve all such notices which have been heretofore received, or shall hereafter be received.

2. In the case of a municipality in which there are supporters of a Roman Catholic separate school therein, or contiguous thereto, there shall be printed in conspicuous characters, or written across or on the accessor's notice to every ratepayer, provided for by the 47th section of *The Assessment Act*, and set forth in schedule B. to the said Act, in addition to the proper entry heretofore required, to be made in the column respecting the school tax, the following words : "You are assessed as a separate school supporter," or "You are assessed as a public school supporter," as the case may be ; or these words may be added to the notice of the ratepayer set forth in the said schedule.

3. Where the list required by the first section of this Act is prepared, the assessor is to be guided thereby in ascertaining who had given the notices which are by law necessary, in order to entitle supporters of Roman Catholic separate schools to exemption from the public school tax.

4. The statement made under the second sub-section of the 48th section of *The Separate School Act*, or the fourteenth sub section of *The Assessment Act*, means, and has always meant, a statement made to the assessor on behalf of the ratepayer by his authority, and not otherwise.

5. In case of its appearing to the municipal council of any municipality after the final revision of the assessment roll, that through some mistake or inadvertence any ratepayers have been placed in the wrong school tax column, either as supporters of separate schools or supporters of public schools, it shall be competent for the municipal council after due enquiry and notice to correct such errors if such council sees fit, by directing the amount of the tax of such ratepayers to be paid to the proper school board. But it shall not be competent for the council to reverse the decision of the court of revision or the county court judge as to any ratepayer.

(2) In case of such action by a municipal council the ratepayer shall be liable for the same amount of school tax as if he had in the first instance been entered on the roll properly.

SCHEDULE.

(Section 1.)

Form of Index Book for Roman Catholic Separate School Supporters.

Names.	Notices claiming exemption from public school tax, when received.	Remarks.
Allen, John.....	3rd February, 1889.	Notice of withdrawal received 1st January, 1890.
Ardagh, Joseph	3rd February, 1889.	Disallowed by Court of Revision, 1st June, 1889.
Ashbridge, Robert	3rd February, 1889.	

Mr. Meredith's Bill.

An Act respecting Separate School Supporters.

Whereas every ratepayer ought to be by law *prima facie* a public school supporter and no one should be rated as a Roman Catholic separate school supporter unless he by his own voluntary act declares his intention to be a supporter of Separate Schools in accordance with the provisions of the law;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Notwithstanding the provisions of any act or law to the contrary, no person otherwise liable for public school rates shall be exempt from the payment thereof or be liable for the payment of rates in support of a Roman Catholic separate school unless he shall have given the notice provided for by section 40 of *The Separate Schools Act.*

2. It shall be the duty of the clerk of the municipality in preparing the collector's roll thereof to place in the column of public school rates, the rates of every ratepayer who shall not have given the said notice so as, according to the provisions of the said section and of this Act, to entitle him to exemption from public school rates for the year for which such collector's roll is being made up, but *any error* of the clerk, in making up his roll shall not be conclusive on any ratepayer who shall be erroneously rated or entered therein, nor shall the assessment roll be any evidence as to whether such ratepayer is a supporter of the public schools or of the Roman Catholic separate schools.